

R E M A R K S

Claims 1 - 66 were pending in the present application.

Claims 1 - 66 have been rejected.

Claims 1, 50, 54, and 59 - 66 are independent.

A. Section 102(e) Rejections

Claims 1 - 3, 5 - 8, 10 - 14, 20 - 22, 24 - 26, 31, 37 - 42, 50, 54 - 57 and 59 - 66 stand rejected as anticipated by U.S. Patent No. 6,108,639 to Walker et al. Applicants respectfully traverse the Examiner's Section 102(e) rejections.

All of independent claims 1, 50, 54, and 59 - 66 have been rejected under Section 102(e). Each of the independent claims is discussed below.

1. Independent Claims 1, 61, 62 and 63

Method claim 1 and corresponding apparatus and computer readable medium claims 61, 62 and 63 each generally recite the following limitations:

determining, based on a reward rule, whether the bidder is qualified to receive a reward

transmitting, to the bidder, an indication that the bidder is qualified to receive the reward

None of the references disclose or suggest any of these limitations.

The Examiner contends that the "*determining*" and "*transmitting*" steps above are anticipated by the Walker patent at Col. 16, lines 5 - 12 (Claim 8 of the Walker patent - the "identifying" and "comparing" steps). However, nowhere in this portion of Walker is any suggestion of:

a reward, nor

whether a bidder is qualified to receive a reward, nor
transmitting any indication of anything to the bidder.

Thus, this portion of Walker does not suggest the above limitations either.

Accordingly, claims 1, 61, 62 and 63 are patentable for at least for the above reasons.

2. Independent Claims 50, 64, 65 and 66

Method claim 50 and corresponding apparatus and computer readable medium claims 64, 65 and 66 each generally recite the following limitations:

determining, based on a penalty rule, whether the bidder is to receive a penalty
transmitting, to the bidder, an indication that the bidder is to receive the penalty

The Examiner contends that the "*determining*" and "*transmitting*" steps above are anticipated by the Walker patent at Col. 16, lines 5 - 12 (Claim 8 of the Walker patent - the "identifying" and "comparing" steps). However, nowhere in this portion of Walker is any suggestion of:

a penalty, nor
whether a bidder is to receive a penalty, nor
transmitting any indication of anything to the bidder.

Thus, this portion of Walker does not suggest the above limitations either.

Accordingly, claims 50, 64, 65 and 66 are patentable for at least for the above reasons.

3. Independent Claim 54

Method claim 54 generally recites the following limitations:

receiving a reward in response to the bid.

The Examiner contends that the "*receiving*" step above is anticipated by the Walker patent at Col. 15, lines 32 - 36 (Claim 1 of the Walker patent - the "obtaining" step); Col. 15, lines 38 - 39 (Claim 1 of Walker - the "providing" step); and Col. 16, lines 15 - 16 (Claim 8 of Walker - the "providing" step). However, nowhere in this portion of Walker is any suggestion of:

a reward, nor
receiving a reward, nor
receiving a reward in response to anything, nor
receiving a reward in response to a bid.

Thus, this portion of Walker does not suggest the above limitations either.

Accordingly, claim 54 is patentable for at least for the above reasons.

4. Independent Claim 59

Method claim 59 generally recites the following limitations:

receiving a penalty in response to the bid.

The Examiner contends that the "*receiving*" step above is anticipated by the Walker patent at Col. 9, lines 62 - Col. 10, line 15. The disclosed portion of Walker states that "the buyer can be charged a penalty" if the buyer does not purchase the requested item once the CPO is accepted by a seller. However, nowhere in this portion of Walker is any suggestion of:

receiving a penalty in response to a bid.

Thus, this portion of Walker does not suggest the above limitations either.

Accordingly, claim 59 is patentable for at least for the above reasons.

5. Independent Claim 60

Computer data signal claim 60 generally recites the following limitations:

computer processing instructions for notifying a bidder that the bidder is qualified to receive a reward in response to a previous bid submitted during an auction session

The Examiner contends that limitations above are anticipated by the Walker patent at Col. 6, lines 41 - 54. The disclosed portion of Walker states that various components can "transmit digitally encoded data and other information between one another". There is no other description of what data may be transmitted. Nowhere in this portion of Walker is any suggestion of:

computer processing instructions, nor
instructions for notifying a bidder of anything, nor
instructions for notifying a bidder that the bidder is qualified to receive something, nor
instructions for notifying a bidder that the bidder is qualified to receive a reward, nor
instructions for notifying a bidder that the bidder is qualified to receive a reward in response to something, nor
instructions for notifying a bidder that the bidder is qualified to receive a reward in response to a previous bid.

Thus, this portion of Walker does not suggest the above limitations either.

Accordingly, claim 60 is patentable for at least for the above reasons.

6. Dependent Claim 23

Finally, Applicants note that, although paragraph 2 on page 2 of the Office Action states that claims 20 - 26 are rejected under 35 U.S.C. § 102(e), there is no further discussion of the anticipation of claim 23. In addition, paragraph 4 of page 5 of the Office Action states that claim 23 is rejected under 35 U.S.C. § 103(a), and a discussion of the obviousness of claim 23 follows. Accordingly, Applicants believe that claim 23 has been rejected under 35 U.S.C. § 103(a), rather than 35 U.S.C. § 102(e).

B. Section 103(a) Rejections

Claims 4, 9, 15 - 19, 23, 27 - 30, 32 - 36, 43 - 49, 51 - 53 and 58 are rejected as being unpatentable over the Walker patent discussed above in light of other references. Applicants respectfully traverse the Examiner's Section 103(a) rejection.

All independent claims discussed above are patentable over Walker, as discussed above. The remaining claims, which have been rejected under 35 U.S.C. § 103(a) are each dependent, directly or indirectly, upon the independent claims. Thus, these dependent claims are patentable as well.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.


Petition for Extension of Time to Respond

Applicants hereby petition for a **two-month** extension of time with which to respond to the Office Action. Please charge \$390.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date



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